## REMARKS

Reconsideration of the application in view of the following remarks is respectfully requested.


### Status of the Claims

Claims 8, 24-30 and 40 were previously canceled.

Claims 9-14, 41-48 and 51-53 were previously withdrawn from further consideration as being drawn to a non-elected invention.

Claims 1, 17 and 33 have been amended. Support for the changes to the claims can be found at paragraph [0060], [0063 and [0053]. No new matter has been added.

Claims 1-7, 15-23, 31-39, 49, 50 and 54-56 are pending.


### Declaration Under 37 C.F.R. §1.131

In the Office Action the Examiner stated that the Declaration under 37 C.F.R. §1.131, which was submitted by one of the joint inventors, did not overcome U.S. Patent No. 7,144,322 of Gomez ("Gomez") as a reference because it did not provide support for the claim limitation "a measuring module measuring a count that is a number of times said special symbol in each of said reels of said reel display module passes through at least one of said regions **while the reel display module is in the changing display state showing the spinning of the reels.**" (Emphasis in original) According to the Examiner, the evidence "merely provides support for the measuring (i.e. counting) of a special symbol at a certain point of time upon the reels, such [as] at the end of a reel's spin wherein the reels are displayed in a static state." In effect, the Examiner takes the position that the evidence does not support counting special symbols while the reels are spinning.

The Applicant believes that contrary to the position of the Examiner, the evidence clearly supports counting special symbols while the reels are spinning. The Exhibit attached to the Declaration states that the game according to the invention is one:

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in which specific symbols spin on reels, the determining game point to be awarded or supplementary numbers are made as the *numbers of times in which a special symbol passes a reel window or a pay line*.

Example)

Passing numbers are displayed per each reel and *passing numbers of trigger symbols are counted*, and the value obtained by adding the passing numbers at all of the reels is made as the value to be used for multiplying the basic bonus values to obtain bonus award numbers.

Considering the first paragraph, it is clear that unless the special symbols are counted as they pass the pay line, there would be no way for the system after the fact, e.g., when the spinning has stopped, to determine how many times the special character had passed the pay line. Even if the number is not displayed until the static condition, a person of ordinary skill in the art would realize that the only way to achieve this count is to do it while the reels spin. It may be possible to conceive of some extraordinarily complicated way to make this determination other than when the reels are spinning, but a person of skill in the art would immediately understand from the text that the intent was to make the measurement as the reels spin.

Further, the second paragraph specially states that "passing numbers of trigger symbols are counted." The only time they are passing is while the reels are spinning.

Thus, reconsideration of the Declaration and allowance of the claims on the basis of the Declaration is requested.

## Rejection Under 35 U.S.C. §102

Claims 1-7, 15-23, 31-39, 49, 50 and 54-56 were rejected under 35 U.S.C. §102(e) as being anticipated by Gomez.

Applicants respectfully disagree with the position of the Examiner that Gomez shows each and every feature of the presently claimed invention. Independent apparatus claims 1 and 17 are as follows with the differences between them being in square brackets:

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**1. [17]** A game machine comprising:

a reel display module having plurality of reels and providing a changing display state of a plurality of types of symbols in a plurality of regions, the changing .display state showing a ***spinning of the plurality of reels***, and a static display state of said changingly displayed symbols in said regions, at least one of said symbols being a ***special symbol, said reel display module causing the display to go from displaying spinning reels to the display of static reels at a predetermined time or after a predetermined duration***;

a measuring [storage] module measuring [storing] ***a count that is a number of times said special symbol in [of] each of said reels of said reel display module passes through at least one of said regions while the reel display module is in the changing display state*** showing the spinning of the reels ***between the starting and stopping of the spinning reels***;

a game points determining module determining game points to be awarded to a player based on said measured [stored] count; and

count display modules, each of which correspondingly display [displaying] said count for one [each] of said plurality of said reels, ***said count being measured [stored] by said measuring [storage] module in association with each of said plurality of regions.*** (Emphasis added)

Thus, according to the present invention, the game display is a plurality of reels of different types of symbols which appear to spin in a plane perpendicular to the display plane. At least one symbol is a special symbol, e.g., a star. Paragraph [0047] A count is recorded each time the star passes the pay line while the reels are spinning. Game points are awarded based on the stored count for each reel.

The Examiner relies on two passages from the Gomez patent to assert that Gomez anticipates these claims. The first is as follows:

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> The basic concept for the preferred embodiment is as follows: at least some
> symbols in winning combinations disappear from the game matrix in a transformative
> step, which may include some symbols in the winning combinations transforming into
> a different symbol. After this removal and any substitution, symbols are then
> rearranged (such as being compressed downward in the columns of the foregoing
> square matrix) to fill in any blank spaces. This could be thought of as if each symbol
> was a block (cube) and the symbols that disappear cause the blocks above them to fall
> under gravity in their place(s). A "winning" arrangement can also be a "positive"
> result. As noted above, the "arrangement" can merely be a special game element
> appearing. The point is, something occurs that triggers a transformative process to
> advance the gameplay. Col. 7, lines 24-37

This passage provides no indication that the game involves a "reel display" or the "spinning of the
plurality of reels," There is also no indication of a "special symbol." Instead Gomez uses blocks.
When a block is removed, the others slide down as if by gravity. Col. 7, lines 31-34. As an
alternative, the arrangement could be circular with blocks moving inward due to gravity or outward
due to centrifugal force when the blocks rotate in the plane of the display.

Prior to the start of game play, Gomez may use a "slot reel" concept to initially populate the
display. Col. 7, line 38 to Col. 8, line 13. However, after that there is no spinning. As can be seen
from Figs. 4-7, a winning match is merely detected in the original static display, e.g., vertical and
horizontal bugs in Fig. 4. These blocks are then removed (Fig. 5) and the remaining blocks slide
down, i.e., they do not spin. The game provides a multiplier of 1 and then looks for a new match,
e.g., three horizontal 7s (Fig. 6). These blocks are removed, the multiplier is increased to 2 and the
remaining blocks slide down (Fig. 7). There are no further matches so the game ends. Col. 10, line
31 to Col. 11, line 12.

The other passage the Examiner relies on states:

> In FIG. 5, the information area 78 displays each of the "Any Bug"
> combinations, which show a payout of three credits, and a multiplier of one (.times.1)
> for a total of three credits for each combination. The "Credits Won" meter 84 is

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updated to display the six credits won. In this embodiment, each time a board is evaluated, the multiplier increases by one (1.times.). This first evaluation thus awards all pay table values at 1.times. The second evaluation (discussed below) uses a multiplier of 2.times, and so on. Modifications of the pay values on each evaluation levels of the game are possible without departing from the invention, such as different multipliers could be used, or no multiplier could be used.

In FIG. 5, the display is shown in the process of removing all of the symbols that appeared in winning combinations. This is what we call a transformative step or operation, as the game element disappears from play. As will be further revealed hereafter, transformation includes changing into a "Wild" symbol. Conceivably, other embodiments could include transforming into something else, like a randomly selected symbol. The program then rearranges the remaining symbols such that all symbols above empty spaces move down, as if the removed symbols were holding them up into place (see FIG. 6). If there was no rearrangement possible, the game would be over. Since there is some movement, the program again scans the rows and columns for more winning combinations. The second row 52 now contains a "Blue 7", a "Red 7", a "Blue 7", a Hawk, and a King Tut. The first three symbols are a three "Any 7's" combination which pays five credits. The program displays the "Any 7's" combination, as well as the five credit payout, and the multiplier .times.2 in the information area 78. The "Credits Won" meter 84 is updated to display the sixteen credits won from the three winning combinations (3+3+10). The three "7's" are highlighted and will be removed (transformed), allowing the symbols above it to fall. Col. 10, line 37 to Col. 11, line 4

Thus, this passage is as discussed above. In particular, there is no indication that a count is made of the number of times a special symbol passes through at least one region (pay line) while the display module is changing. In fact, there is no pay line. The entire display is reviewed in Gomez for matches. Matches are not determined by the symbols on a pay line or in a particular region. Further,

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there is no count display module corresponding to the count for one of the plurality of reels. The most distinguished aspect between Gomez and the invention is that ***Gomez counts the number of times "awarding (winning) patterns" are formed; the invention counts the number of times a special symbol is displayed in a certain area.***

Further, claims 1 and 17 have been amended to recite that the reels spin for a predetermined duration (or time), during which a count is made of the number of times a special symbol is displayed in a certain area, while Gomez confirms the formation of awarding (winning) patterns every time and advances to change the symbol sequence only if the formation is made. Thus, Gomez does not have the concept of "predetermined," and accordingly control of the Gomez device is different from the present invention.

For these reasons, claims 1 and 17 are not anticipated by Gomez. Further, the game concepts of the present invention and Gomez are so different, that these claims are also not obvious in view of Gomez. Claims 2-7, 15, 16 and 54 depend from claim 1, while claims 18-23, 31, 32, 49 and 50 depend on claim 17. Thus these claims are also patentable because of this dependence.

Claim 33 is a method claim as follows:

**33.** A method of providing a game, said method comprising the steps of:

providing a changing display state of a plurality of types of symbols in a plurality of regions of a reel display module, the changing display state showing a *spinning of a plurality of reels*, and a static display state of said changingly displayed symbols in said regions of said reel display module, *at least one of said symbols being a special symbol, said changing display going from displaying spinning reels to the display of static reels at a predetermined time or after a predetermined duration*;

storing a *count that is a number of times said special symbol of said reel display module passes through at least one of said regions while the reel display module is in the changing display state* showing the spinning of the reels between the starting and stopping of the spinning reels;

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determining game points to be awarded to a player based on said stored

count; and

**displaying correspondingly to each of reels of said reel display module**

**said stored count** in association with each of said plurality of regions.

As with apparatus claims 1 and 17, method claim 33 is not anticipated nor obvious in view of Gomez because Gomez fails to disclose spinning of a plurality of reels, a special symbol, counting of the number of times the special symbol passes a pay line and displaying the number of times the special symbol passes the pay line for each reel. In addition, Gomez fails to disclose that the reels spin for a predetermined duration (or times), during which a count is made of the number of times a special symbol is displayed in a certain area. Thus, claim 33 is also patentable. Further, claims 34-39, 55 and 56 depend on claim 33 and thus are patentable for the same reasons.

Accordingly, withdrawal of the rejection of claims 1-7, 15-23, 31-39, 49, 50 and 54-56 under 35 U.S.C. §102(e) based on Gomez is respectfully requested.
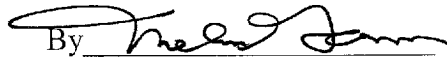
## CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below if the Examiner believes any issues can be resolved through either a Supplemental Response or an Examiner's Amendment. In view of the above amendment, Applicants believe the pending application is in condition for allowance.

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The Commissioner is hereby authorized to charge any unpaid fees deemed required in connection with this submission, or to credit any overpayment, to Deposit Account No. 50-4570.

Dated:  June 24, 2010                          Respectfully submitted,


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